UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISTIAN VIERTEL,

Petitioner,

- against -

UNITED STATES OF AMERICA,

Respondent.

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08 Civ. 7512 (JGK)
01 Cr. 0571 (JGK)

MEMORANDUM OPINION AND ORDER

JOHN G. KOELTL, District Judge:

The Court has received the attached submission, which purports to ask for various documents, including grand jury records, and asks for someone to "show cause" on various issues, including whether "clerk Lopez" was a "living clerk."

The application is **denied**. There is no pending action before this Court for which such information could be relevant. The last application for a writ of error coram nobis was denied, and the appeal from that Order is pending in the Court of Appeals.

In addition, the petitioner has failed to show good cause for the discovery he seeks and, with respect to any requests for grand jury materials, he has failed to make the particularized showing necessary to obtain such materials. See, e.g., Garafola v. United States, 909 F. Supp. 2d 313, 335 (S.D.N.Y. 2012) ("A petitioner in a habeas corpus proceeding generally does not have a right to discovery unless the petitioner can show good cause."

(citation omitted)); Ida v. United States, 191 F. Supp. 2d 426, 434 (S.D.N.Y. 2002) ("[L]itigants seeking access to grand jury materials must show a particularized need for such materials . . . ." (citation omitted)).

The application for orders to show cause is **denied**.

SO ORDERED.

Dated: New York, New York
January 30, 2014

_____/s/_____
John G. Koeltl
United States District Judge

United States District Court
For The Southern District Of New York

----------X (faxed to chambers @ 805-7912 on Jan-27-14)

UNITED STATES *OF AMERICA*,

Plaintiff,

UN[RE]SOLVED MOTION, *DA CAPO*, FOR ORDERS TO SHOW CAUSE, TO APPREHEND A STILL FUGITIVE "SEALED INDICTMENT" LOST, FEIGNED OR FILED ON 6/14/01's ELEVENTH HOUR; TO FURTHERMORE 1) SHOW "JUDICIAL SEALING" ORDER OF 6/14/01; 2)SHOW COURT FORM AO 190; 3) SHOW WHY ID-MARK "JUDGE KOELTL" ON DOC#1 INFIXED 5 DAYS LATER SHOULD NOT BE SANCTIONED; 4) SHOW PROPRIETY FOR NYSD-CR-CASE-570's 96+ HOURS DOCKET SALTO FORWARD TO 6/18[1]; 5) SHOW "CLERK LOPEZ" WAS A LIVING CLERK "WHO" FOLLOWED JUDICIAL ORDER ON 6/14 OR 6/15 BY RUBBERSTAMPING WARRANTS

FRITZ G. BLUMENBERG,

CHRISTIAN T. VIERTEL, *defs*

~~JOHN C.LEE~~, *exclusive Nollee*

2001 (Cr) 00571- (03) (JGK)

[published http://bit.ly/1hO0Bwm]

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Motion for expedited Orders and for Vacatur of Convictions due lack of Federal Jurisdiction for Count One over both time-barred overt acts

Pursuant to what this Court SO ORDERED on 01/11/14: *"granted in part and denied in part"*. As in - *stratagem cunctatoris* - the Court ***misconstrued*** its *"grant"* of a direct Motion demand for SHOW-TELL-RELEASE of a truly "SEALED INDICTMENT" as proclaimed per DOC# 1, which the Court ultimately

[1] The Court was noticed by "GOTCHA" fax http://bit.ly/1f3zQ54 that rectitude of a "06/14/2001" TRUE BILL filing was dismal, as in FRAUD UPON THE COURT.

failed[2] to produce from Courthouse records, despite available services from its intramural "Sealed Records Department".

"There is such a thing as due process of law !"

Scalia on 1/21/2014 as reminder to the Federal Judiciary.

Good CAUSE is based upon good law: US V. COTTON (01-687) 535 U.S. 625 (2002): "Because subject-matter jurisdiction involves a court's power to hear a case, it can never be forfeited or waived. Thus, defects require correction regardless of whether the error was raised in district court", and,

Where jurisdiction is challenged it must be proved.

(*Hagan vs. Lavine*, 415 U.S. 528 (1974)); see also: *"Without jurisdiction the court cannot proceed at all in any cause. Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause." (Exparte McCardle, 7 Wall.506,514 (1869))*. Chief Judge Kozinski slightly touched the tip of one iceberg of a mountain-chain of icebergs: "*There is an epidemic of Brady violations abroad in the land. Only judges can put a stop to it." [U.S. vs. Olsen]. Movant notes that Kozinski obviously refers to the noble majority of the judiciary.*

[2] "In order for a document to be filed under seal, a protective order must be signed or a request by letter must be granted by a judge. A copy of the order or letter must be presented when filing the document. The only exceptions are if the entire action has been placed under seal or a judge has signed the sealing envelope and submits it directly to the sealed records clerk." Federal Judiciary Center: All documents filed under SEAL must contain original signatures.

GOOD CAUSE UNO

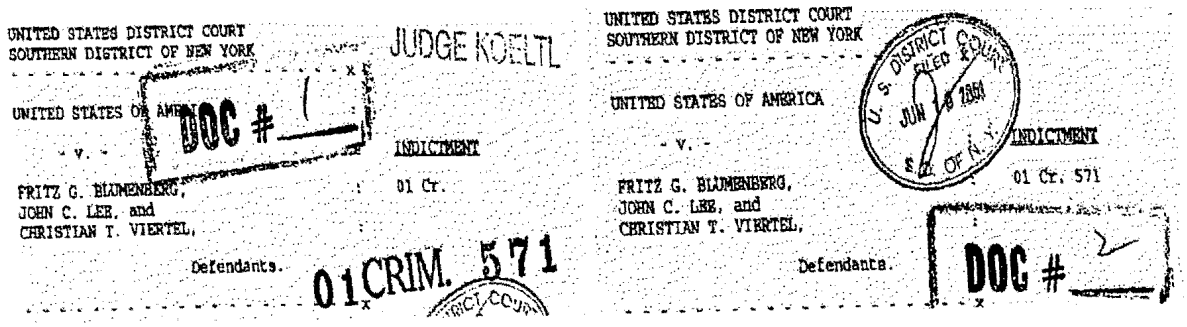
In lieu, this Court re-produced two, *déjà-vue indubitably confederated, probably doctored and concocted* rather self-serving and bogus documents (DOC# 1 titled "INDICTMENT" was backdated & DOC# 2, also titled "INDICTMENT" a *"saftig* fig leave-scam" typed up hastily by USANYS' prosecution team for extra-rubberstamping by any ready and slavish enough Magistrate in commission of entry-fraud) on PACER files to seek derailment of DUE PROCESS review, but *unconforming* to DOC#314 MOTION DEMAND (hereby adopted in its entirety).

[Hon.Puppitman A-Go-Go ? Favorism catches friendly fire]

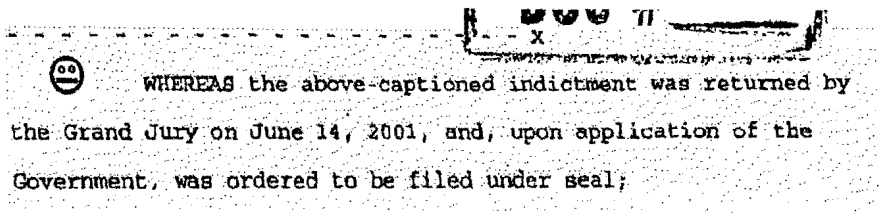
How many "INDICTMENT" [3] LABELS is this Court going to pull (?) and mail around, before a missing "SEALED UPON APPLICATION" VERSION will see daylight?

Seasoned Federal Clerks confirmed to Movant, that DOC# 2 was not prepared and not worded by Honorable Pitman or his staff, evidenced by the missing "ORDER" label adjacent right of the caption and by fact that Magistrates "would not *type up INDICTMENTS, pointing to the United States for the overt template blunder*", also, staff pointed out, that *"no record of*

[3] **What "*Coincidence*": Idem typistry, idem Word-Software, idem template - slightly botched, idem paperstock, INDICTMENT over INDICTMENT**



a United States "Application" can be located nor records of what Pitman posits in this clip below (from DOC# 2), clearly ***CROSSING A RED LINE***:



WHEREAS the above-captioned indictment was returned by the Grand Jury on June 14, 2001, and, upon application of the Government, was ordered to be filed under seal;

Meanwhile for purposes of this MOTION, Movant must count (with *prudence*) upon Hon.Pitman's signed and super-duper-rubberstamped statement: 1) *"was returned"* and 2) *"application of the Government"* was made 06/14/2001, Movant and Public must bank upon integrity and fear of disrepute that a Magistrate *"wouldn't fib in favor of a powerful plaintiff"* in violation of his/her sworn duties, unless for a substantial ROI[4]:

THE COURT MUST ORDER A SEARCH & RESCUE, NOW

Thus this Court shall NOW ORDER AD HOC an intramural *Search & Rescue* mission for VERIFICATION if DUE PROCESS checks out, or, if all fails and aborts what JUDICIAL REMEDIES would be due, proper and agreeable to the injured parties, including the citizenry at large.

Seriatim: DOC#314 MOTION to SHOW an "allegedly" SEALED INDICTMENT challenged conformity and true record of a factual, not fictitious, judicial sealing on whatever non-doctored date, if at all (whether upon application or by unlawful osmosis), and further challenged: USANYS POSESSORSHIP OF A VALID AND TRUE BILL ON 6/14/01, AND WHETHER SUCH INDICTMENT WAS FILED IN OPEN COURT (wink-wink-it was not, Movant is told), AND SHOW AO190 with Foreman Rehm's own jurat, AND SHOW A DATED, JUDICIAL TO BE SEALED NOW ORDER BY AN IDENTIFIABLE MEMBER OF THE JUDICIARY who was present in Court.

[4] ROI= Return Of Investment [on presumption that judicial reputation has a value]

Pursuant to Court/Clerk records and information, Movant recognized, that a duty Magistrate[5] on 2001 *U.S. Flag Day* was probably not judicially engaged here, simply because Magistrates lack jurisdiction to accept and bless one, two or three "Proposals for Arrest", unless upon certain valid applications in exclusion of "mirth over a potential Indictment".

Still, legally worthless, doctored "ARREST WARRANT" paperwork was left judicially unprocessed, which caused the USANYS since to dematerialize all traces from SDNY records.

JUDGE KOELTL's Bench Appearance Hearing on 6/19/01 rolled by *sans* "Arrest Warrants", in disrespect of a DJ's Operations MANUAL[6] stating that: a Judge must ***"ascertain, whether (d) a warrant had been issued"*** (DOC# 3, points to lack of DUE PROCESS: "unreturned", vanished warrants: "Officer's Return of Arrest Warrant", NO FORM AO442: Receipt and Execution of a Warrant must be certified by an authorized Officer), but more:

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[5] Hon. M. Dolinger did actively FILE legitimate Indictments, non-sealed, and issued, genuinely authorized, signed A/Warrants on "U.S.-Flag-day" 6/14/2001 including i.e.01-mj-1113 Beckman/mj-1130 Pazmino/mj-1125 Allen/mj-1119 Bracey/mj-1118 Wilbur/mj-1117 Medina. Blumenberg, Lee and Viertel were not among the unlucky but lawfully "to be apprehended".

[6] Bench Book for District Judges (amend-2000):

1.05 Commitment to another district (removal proceedings)

Fed. R. Crim. P. 40

A. Appearance before a magistrate judge by a defendant arrested in this district for an alleged offense committed in another district (U.S. attorney will have filed a Petition for Removal).

1. Ascertain from U.S. attorney or arresting officer:
   (a) where the alleged offense was committed;
   (b) when defendant was arrested and whether the arrest was with or without a warrant;
   (c) whether an indictment has been returned or an information or complaint filed;
   (d) whether a warrant has been issued

GOOD CAUSE DOS

Movant's "own", the third cloned "RUBBER *Warrant*" was seriously *tampered* by *coloring-artist* "AUSA issuer" Mark Harris[7], affixing an - extra judicial novelty - "Signature-ID-Stamp" of a *foreseeably unseeable* Clerk in lieu of the physical presence in flesh by a living clerk as DUE PROCESS demands (or maybe not?). Fact is HARRIS was not entitled on 6/14/2001 to a real Arrest Warrant for lack of a valid true bill.

Simple as that.

President Obama pronounced last week at the DOJ that aliens are entitled to equal respect, ex post facto and belated Movant suspects.

NO.485 P.1312/

	WARRANT FOR ARREST AUS MARK HARRIS 637-24
ited States District Court	SOUTHERN DISTRICT OF NEW YORK

* * *

BAIL FIXED BY COURT	OTHER CONDITIONS OF RELEASE	
ORDERED BY HON: MICHAEL H. DOLINGER	SIGNATURE (JUDGE/MAGISTRATE)	DATE JUNE 14, 2001
CLERK OF THE COURT JAMES M. PARKINSON	(BY) DEPUTY CLERK Melanie L. Lopez	DATE ISSUED JUNE 15, 2001

[7] SELF-DECLARATION by *"Mark Harris is a former clerk to U.S. Supreme Court Justices John Paul Stevens and Lewis Powell, Jr., and Judge Joel Flaum of the U.S. Court of Appeals for the Seventh Circuit. Mark subsequently served as an Assistant U.S. Attorney for the Southern District of New York, during which he prosecuted a broad spectrum of federal crimes, including health care fraud, financial fraud, and **corporate embezzlement**, and tried a number of jury trials and argued before the Second Circuit."*(bold/underline added) Added: Talmudic law scholar.

When 5 years are just not lengthy enough

On 06/14/01, AUSA Harris was caught *sans* TRUE BILL, evidently, a "Magistrate's or delegated Clerk's Warrant" would be elusive while the 18 USC §3282(a) TIMEX tick-tick-ticked on *"his crucial §371 prison enhancement ploy"*. §371, as the Court will recall, was the eleventh-hour COUNT ONE (Viertel - *long proven untenable* - overt acts, §371).

Grave situations, common in collapsing schemes, call for gravest improprieties, law-coloring and sophisticated cover-up-means inculpating the families of more than three - presumptively innocent - false arrest-victims. This was not legitimate trustworthy Federal Court Business. In California fabricators are not admitted to the bar.

It certainly was USA White's non-kosher Monkey-type-Business, ***a near-miss***, but not near DUE PROCESS. This government ploy was only now fully discovered - reward-free - thanks to federal whistleblowers at two Courthouses believing in **good cause and in INTEREST OF JUSTICE in promotion of DUE PROCESS, sanctions for wrongdoers[8] and claw backs to reputation and triple Benjamin's undeservedly purloined**.

FUGITIVES ON THE LOOSE ?

One day later 06/15/2001, Movant hereby continues to certify under ***28USC§1746***, AUSA Mark Harris confederated with FBI-SQUAD C-12, BQMRA to broadcast a PRIORITY FBI-Cable to (1) Garret Mountain RA[9] New Jersey, (2) Bridgeport RA Connecticut, and (3) Palm Beach RA Florida

[8] Efforts to fix the perpetual misery machine that is our criminal justice system have won support not only from progressives and academics but from conservatives, from enlightened law enforcement groups, from business and even from advocates for crime victims. (Bill Keller NYT 01/26/2014 OP)

[9] RA = FBI Resident Agency branch

in follow up of "*Reference telephone calls from SSA O'Sullivan*" et al to (Synopsis) "**Locate and apprehend CHRISTIAN T.VIERTEL - FUGITIVE (B)**" under "3): **FBI-SQUAD C-12's interstate faxes[10] deliberately, under false pretense, mischaracterized "Enclosures" in that "a) Copy" had the above fake signature stamp, and "b) Copy" was an seal-free, signature- Foreperson-free, NO-Open-Court DRAFT at** http://bit.ly/1d4blBY **[Appendix B] or, by lucky chance or oversight, if plaintiff USA's agents did not yet *cleans* Court files, all 11+ DRAFT pages should lay in @ DOC# 7** SDFL certified under Rule 40 and not really advisable for tampering[11].

Ostensibly, ***not a single of three*** fake "Arrest/Warrant" were ***returned***, nor lawfully ***executed*** to this date, notwithstanding 3 chained non-violent arrestees from "*three other federal districts*", understandably so, Movant was advised by Clerks, because any execution "*return*" of a ***fake*** arrest warrant would have *etched* USA's document fraud in stone unmasking their tools employed for premature, false, preemptive, unconstitutional arrests. Harris, under White/Canellos's control, "swindled[12]" to 5 extra days of undeserved authority to prosecute, inter alia, Viertel's time-barred COUNT ONE, §371.

Falsus in uno, falsus in omnibus

[10] Snapshot from FBI ORIGINAL

3) Enclosed for Miami are the following:
a) Copy of an arrest warrant for CHRISTIAN T. VIERTEL issued by the Southern District of New York.
b) Copy of the indictment charging VIERTEL.

FED
6-12-01
Leads Set 6-14-01

PRIORITY FAX from NY SQAD C-12 BQMRA to Palm Beach RA- FBI 06/15/2001

[11] If tampering did happen, MOVANT received a fresh SET of the TRANSMISSION, Courtesy WPB*SDFL; upon request to nuncprotunclaw@aol.com , with pleasure ☺

[12] Making a materially false statement in violation of 18 U.S.C. § 1001

GOOD CAUSE TRES

This distinguished, impartial COURT shall proper NOTICE the evidence and try its luck in "*judicial preponderance*", ultimately, as in "***relevant conduct***" assessments, and gauge how small a probability remained that AUSA Harris possessed a VALID, Foreman-approved, AO190-certified, to be SEALED or not, OPEN-COURT-FILED VALID Indictment on 06/14/2001. Truly set below ZILCH, ***NADA as in LOVE***.

Equally ZILCH are chances that *successful* Grand-Jury sandwich-Meister Harris [Supreme Court "groomed", with a well stocked quiver of legal ethics] would *disallow* his FBI-goons from high-fiving a trophy BILL, ***if he had caught one***.

Harris could not catch the TRUE BILL on time, and Movant certifies herewith, that Harris instructed Palm Beach AUSA Lothrop Morris and AUSA William Zloch ("*ben*" of a real SDFL Chief Judge) to distract Honorable Ann Vitunac by hyperbole multimillion hearsay from the missing BILL "issue" and from checking 06/14/2001 records onward on uscourt.gov's intranet during Viertel's initial chained Appearance 6/19/2001 in Palm Beach at 9:30am.

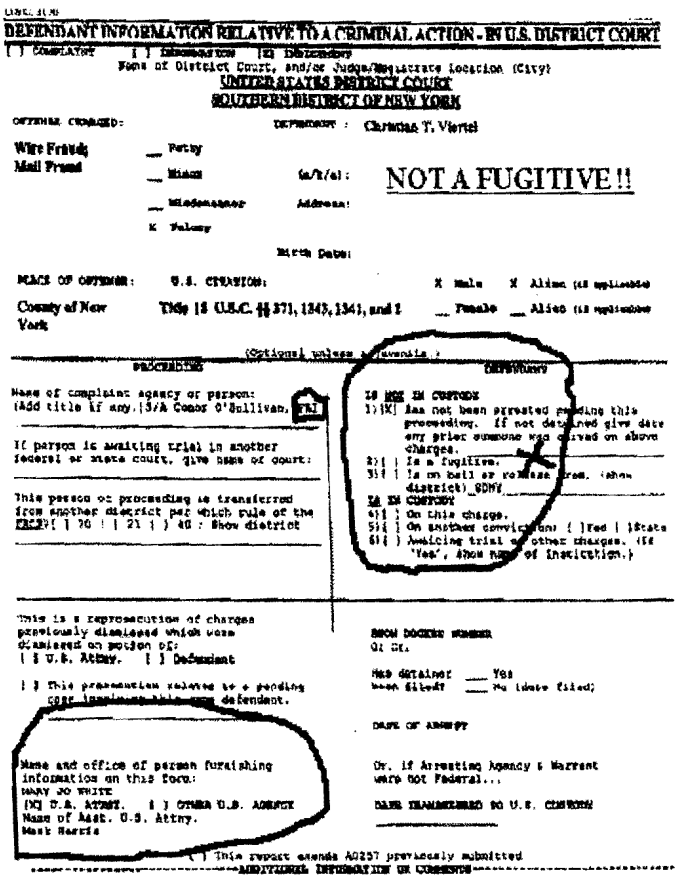
A day earlier, 06/18/01, SDFL FBI CRA faxed at 02:55 Harris's unsigned, un-indexed DRAFT-BILL onwards to USAO WPB, at least **4 days** after "DOC# 1-FILE-day's [D1] back-entry by Clerk (jm). On 06/19/01 USAO WPB FL at 08:57am ***refaxed*** (No.485), the same, now "*5-days-aged*" DRAFT-BILL seemingly still the "best they could come up with" to Rogers' Courthouse Magistrate intake laser.

Amazingly, on 06/19/2001, 5 days after "D1-SEAL" FILE-day, the United States of America *ignominiously dumps on* "Domina Justicia", non

sequitur, and appears by *breakfast time*[13] in Vitunac's Court *without a REAL INDICTMENT*.

According to MARY JO WHITE's **AO257** COURT FILING by AUSA Harris and the SSA *"6/15/2001 FBI fax author O'Sullivan"*, the USANYS did **certify** that Viertel was a) not a FUGITIVE, and b) the USANYS was without a DOCKET NUMBER. See clipart below:

AO 257 redacted scan (undocketed, discovery by Motion)



DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEFENDANT : Christian T. Viertel

NOT A FUGITIVE !!

Wire Fraud; Mail Fraud

X Felony

County of New York

Title 18 U.S.C. §§ 371, 1343, 1341, and 2

X Male X Alien

__ Female __ Alien

Name of complaint agency or person: (Add title if any.) S/A Conor O'Sullivan, FBI

If person is awaiting trial in another federal or state court, give name of court:

This person or proceeding is transferred from another district per which rule of the FRCrP: [ ] 20 [ ] 21 [ ] 40 Show district

IS NOT IN CUSTODY
1) [X] Has not been arrested pending this proceeding. If not detained give date any prior summons was served on above charges.
2) [ ] Is a fugitive.
3) [ ] Is on bail or release from. (show district) SDNY
IS IN CUSTODY
4) [ ] On this charge.
5) [ ] On another conviction: [ ] Fed [ ] State
6) [ ] Awaiting trial on other charges. (If 'Yes', show filing of indictment.)

This is a reprosecution of charges previously dismissed which were dismissed on motion of:
[ ] U.S. Attny. [ ] Defendant

[ ] This prosecution relates to a pending case involving this same defendant.

Name and office of person furnishing information on this form:
MARY JO WHITE
[X] U.S. ATTY. [ ] OTHER U.S. AGENCY
Name of Asst. U.S. Attny.
Mark Harris

Has detainer ___ Yes
been filed? ___ No If "Yes" filed;

DATE OF ARREST

Or. If Arresting Agency & Warrant were not Federal...

DATE TRANSFERRED TO U.S. CUSTODY

[ ] This report amends AO257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

[13] ***two 9/11 Hijackers*** *held a power breakfast 06/19/2001 nearby on Atlantic Avenue, while SSA Joseph G.Sconzo – 561-296-7900, was busy executing a warrant-less "FUGITIVE" capture of Movant VIERTEL in Boca Raton, FL., after having deceived Boca Police on 06/18 over his possession of a "Federal Warrant" to induce Boca Police to provide "AOA" (assist other agency)to him.*

GOOD CAUSE CUATRO

Movant certifies that - inter alia - all false arrest warrants copies and the multi-faxed but unsigned DRAFT-BILL, at least 15 pages of FBI RECORDS, were evidently understood to be subject to disappearance - as in evidence destruction and record tampering - without trace from the "official custodian of FBI/DOJ records". These 15 pages, in fact, were omitted from requisite content of a 450+ pages FOIA-Appeal ORDER mailed to Affiant, who hereby states that the DOJ-RECORD was certified as "complete", some portions were redacted. The "Arrest/Warrant" pertaining to VIERTEL's false arrest on 6/19/2001 was missing.

FURTHER ARGUMENT IN SUPPORT OF MOTION TO ORDER IMMEDIATE RELEASE OF REMAINING MAY/JUNE 2001 GRAND JURY RECORDS WHICH WERE SUBJECT TO GAG-ORDER SECRETED ON MORE THAN LESS IGNOBLE GROUNDS

This fact alone is perfect cause to ***NOW ORDER THE GRAND JURY RECORDS IMMEDIATELY RELEASED*** which are UNDER ENHANCED GREAT DANGER OF VANISHMENT, as the tampering incidents above demonstrate. This Court is hereby put on NOTICE that PLAINTIFF MISCONDUCT IS MORE LIKELY THAN NOT.

At the same time of such ORDER, the COURT must enlarge demand for **delivery of the Agate Realty INVOICE**, which is held by the FBI Laboratory in D.C. under Case ID No.196D-NY-279333 - 45 as SPECIMEN "Q6" (Note by Confidential Informant : "A digital record of Q1 through Q6 specimens is retained" as of 05/10/2002). This document, stems from BMI's own laser printer, is a clean but fake voucher BMI has every right to make, and the RIGHT not to mail as part of its June Report 1996 but embargo in New York[14], that was later falsely, if not insanely attributed to Movant as "authored",

[14] Contrary to false charge of §1341 non-domestic mailing in furtherance of *"Burda's Foreign Commerce conduct"* not proscribed by Congress in §1341

digitally in virgin FORMAT without subsequent tampering by USANYS' prosecution team during jury deliberations in 2002 when it became "GX501-wink-wink" altered by government pen and ink.

Movant certifies that this "charged" voucher was introduced as evidence, but not as "interstate matter" during the June 2001 Grand Jury proceedings (supra) when it was still "unmolested, without 10 cents extra". USANYS was apparently a deficient custodian at all times.

"Society wins" , the Supreme Court in *Brady* held (at 87) *"not only when the guilty are convicted but when criminal trials are fair, our system of the administration of justice suffers when any accused is treated unfairly."*

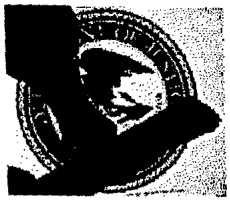
Qui cum canibus concumbunt cum pulicibus surgent

Furthermore, it is highly implausible, Movant submits, that DOJ can validly controvert or oppose these instant DEMANDS presented *intra*, nor can DOJ proffer a lawful *non-Libelous, non-malicious* basis for branding Movant VIERTEL as "FUGITIVE" in its own 6/15/2001 FBI facsimile, but it was a planned DOJ ruse rogue "enforcers" employ to forestall defective authority, which lack of a real arrest warrant represents. Dirty Tool Boxes must be closed and disclosed to the public to view what is improper administration of justice and what not. Movant submits that this case supports the OPTION for Grand Jurors to use twitter© accounts, those dark alleys of Justice will remain hidden and prison business costlier than ever.

YET MORE GOOD CAUSE TO SHOW CAUSE

[H.G. Wells' Miracle on Pearl Street?]

a judicial ORDER that could be authorizing a sworn SDNY CLERK to certify three *"Arrest Warrants"* on 6/15/2001. The DOJ's nomenclature chose - in expectation of undetectable abuse - **DOCUMENT FRAUD**



in ***RUBBERSTAMPING*** a fake-signature-ID "*Melanie L. Lopez*" onto an official Court Form, which, inter alia, violated DUE PROCESS, Civic and Human Rights, and probably as racial-bias[15]. Taken in the popular KLIEG lights "***most favorable to the government***", the evidence[16] included the following.

GOOD CAUSE CINQUE

Only conjecture" can support a claim that a "True Bill" was "FILED" and maybe on a slimmest chance also "*SEALED upon application*" earlier than 6/19/2001. Movant certifies that federal whistleblower provided a "handwritten statement from a DOJ-USANYS operative, who stated indubitably on the bottom section of the USA's own Form No. USA-33s-274 (Ed.9-25-58), captioned: **US vs. BLUMENBERG, LEE, VIERTEL INDICTMENT** 01 Cr._[blank]__ MARY JO WHITE (blank), Foreperson (blank) these pivotal words:

"*6/19/01 Filed Indictment. Case assigned to Judge Koeltl For all purposses* [sic]. *Signature /S/*".

(Signature redacted, spelling error in Original)

Since all "***purposses***" include seeking VACATUR for COUNT ONE (VIERTEL, BOTH OVERT ACTS charged to have occurred before 6/19/1996) for lack of JURSIDICTION pursuant to 18 USC §3282. Movant submits, that the overt act, beside their absurdity, were simply time barred under the section: "*unless*

[15] Fake labels Rudy Kurniawan was caught to glue onto cheap wines, White, Canellos, Weddle, Harris, Cohen etc. glue onto unwanted truth each day

[16] Fictio juris non est ubi veritas : link http://bit.ly/1cMDDme

*the indictment is found… **within** five years next after such offense shall have been committed."* A 6/14/2001 "INDICTMENT" would bring both absurd acts within, 6/19/2001 renders both absurd acts without, and moot.

It has IRONIC dimension that both these time-barred and absurd overt acts were created with the DOJ's malicious prosecution tool, that, more likely than not, this COURT and his law clerks knew to have been used.

Furthermore, several clerks independently confirmed that the practice of "back-dating", switching out already filed documents, generally fudging with the official record is rampant in Federal Courthouses, and certainly more so in the SDNY for three reasons: 1) because "caliber" law firms are in the "*gimme*" business, 2) USANYS had weighty demands and uncontrollable help,(Yes, Mr Bharara from 2001 on they did!) and 3) Clerk James Parkison failed to protect Clerks from this ***esquirely*** onslaught, but he did help muddy iffy tracks.

SUMMARY OF COLLATERAL DEMANDS FOR ORDERS TO:

1) SHOW "JUDICIAL SEALING" ORDER OF 6/14/01[17] the "Real McCoy", not any "fake O'Sullivan" or "Pitman-fix"

2) SHOW COURT FORM AO 190, DATED & SIGNED BY FOREMAN;

3) SHOW WHY ID-MARK "JUDGE KOELTL" INFIXED ON DOC#1 FIVE DAYS AFTER "FILING" SHOULD NOT BE SANCTIONED[18];

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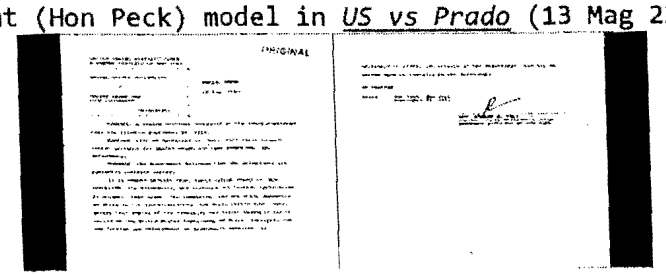
[17] Just in Case this Court requires assistance identifying a real SEAL ORDER, here is one recent (Hon Peck) model in *US vs Prado* (13 Mag 2201):



4) SHOW PROPRIETY OF PRECEEDING INDEX NYSD-CR-CASE-570's 96+ HOURS *DOCKET SALTO FORWARD* TO 6/18[19] OR CONFESS TO TRICKERY;

5) SHOW "CLERK LOPEZ" WAS A LIVING CLERK "WHO" FOLLOWED JUDICIAL ORDER ON 6/15 BY RUBBERSTAMPING WARRANTS

Willful blindness by any Court adds to severe gravamen that must be remedied. In this instant case favorably to defendants and unfavorably to the government and Courts. Such claims arise often from continuing misconduct by Courts who seeks to shield their most frequent bulk-complainants, often former colleagues, from getting caught gaming the "system", which, according to reasonable jurists, is not uncommon or an unfettered occurrence aggravating heavy rigged odds against American citizenry, heavier stacked against terrestrial aliens, and pro se parties and are nothing less than bad faith attempts to cynically subvert the system, failing their public, once again.

In *Agurs*, 427 U.S. at 110, the Supreme Court pointed to ERROR **"because of the character of the evidence, not the character of the prosecutor".** It is useless to deny gravity while falling, Movant suggests that this Court gauges whether *"harm"* inflicted upon American Society by plaintiff's conduct trumps that by defendant's alleged disrespect for domestic interstate carrier mailing on 06/28/1996 to Germany, far away from the protected homeland as proscribed by §1341[20]. [Who was Ibsen's real "Enemy of the state"?]

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[18] Great news for proctor Harris' cheer: "let's be on the same page"!

[19] The Court was noticed by "GOTCHA" fax http://bit.ly/1f3zQ54 that rectitude of a "06/14/2001" TRUE BILL filing was dismal, as in FRAUD UPON THE COURT.

[20] All counts evaporated post-trial on absurdity and on facts, due, in part, to the government's entire maldependence upon "CRIMINAL DOMESTIC MAIL FRAUD" theory in a "Foreign Commerce Scenario", unsupported by their USManual, statutory and case law.

And, this Court shall probe whether the District Court abusively certified deceptive entries for the Second Circuit, seriatim, for multiple Appeals conducted on a corrupted set of entries.

IGNORANTIA IURIS NOCET

Therefore, this MOTION should be granted in its entirety, TIME IS OF THE ESSENCE since risk of additional records tampering by plaintiff's agents remains substantial: [d]*ishonest conduct or unwarranted concealment should attract no judicial approbation.*" (***Banks v. Dretke***, 540 U.S. 668, 124 S.Ct. 1256, 157 L.Ed.2d 1166 (2004) (citations omitted).

Respectfully submitted this 30th day of January, 2014

Christian T Viertel, Movant pro se
9/18 v. delle Ballodole Firenze, ITALIA 50139
N/A Tel +1 360 227 6326 , viertel2005@aol.com

PS: United States Attorney Lynch found proper words on Tuesday:"*Abusing his position as an attorney [by laundering money], [Scaglione] not only violated the code of ethics by which he was bound – he also broke the law. Those attorneys who seek to misuse the trust that is instilled in them by the public to perpetrate crime are on notice that they will be held accountable for their crimes*".

NYED: 1 NYSD: 0

1 Page APPENDICES A & B

Certification of Service
by EMAIL: upon USANYS Mr.Preetinder Bharara on this day.
Hard copy by **USPS** to NYSD pro se clerk for transmission to criminal division and to Chief Judge NYSD, Hon. Loretta A. Preska
Courtesy Hard Copy for Information:
Hon. Associate Justice SCOTUS, Ruth Bader Ginsburg, doyenne Second Circuit
Hon. John D. Bates, Director AOUSC, in lieu of a badly needed OIG

Appendix A: Photo taken from USA-33 Form.

Appendix B: "Enclosure" FBI FAX 06/15/01. Reception 06/19/01 FLSD_WPB

JUN-18-2001 02:57 FBI FBORA P.03/13

USAO LFB FLWA NO.405 P.2 03/13

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA : 01-5156-AEV

- v. - : INDICTMENT

FRITZ G. BLUMENBERG, :
JOHN C. LEE, and : 01 Cr.
CHRISTIAN T. VIERTEL, :

Defendants. :

COUNT ONE

Conspiracy

The Grand Jury charges:

Background

1. At all times relevant to this Indictment, Burda Media, Inc. ("Burda Media") was a media company located in Carrier York, New York. Burda Media was a wholly-[illegible] the place at which it Burda Holding, a German [illegible] the person to whom it is principal place [illegible] and things, to wit, FRITZ G. BLUMENBERG, [illegible], and CHRISTIAN T. VIERTEL, the defendants, caused Burda Media to send from New York, New York to Burda Holding in Offenburg, Germany, via an international freight company, phony and inflated invoices that BLUMENBERG, LEE, and VIERTEL submitted to Burda Media.

(Title 18, United States Code, Sections 1341, 1346 and 2.)

Foreperson

MARY JO WHITE
United States Attorney

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